

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL EXECUTIVE COMMITTEE MEETING
February 14, 2002
302 N. 1st Avenue, Suite 300
Phoenix, Arizona 85003

MEMBERS ATTENDING

Mayor Skip Rimsza, Phoenix, Chairman
Mayor John Keegan, Peoria
Mayor Jay Tibshraeny, Chandler

Mayor Keno Hawker, Mesa
Mayor Bill Arnold, Goodyear

* Not present

1. Call to Order

The Executive Committee meeting was called to order by Chairman Skip Rimsza at 12:12 a.m.

2. Approval of January 28, 2002 Executive Committee Meeting Minutes

Mayor John Keegan moved to approve the January 28, 2002 Executive Committee meeting minutes. Mayor Keno Hawker seconded, and the motion carried unanimously.

3. Follow-up on Governance Task Force Recommendations

Mr. Bourey reviewed the discussions that took place at the East Valley and West Valley managers meetings. He noted that the East Valley Mayors expressed interest for an expanded 11 member Executive Committee with three permanent seats, including Phoenix, Maricopa County, and ADOT. Four seats would be allocated to jurisdictions with a population of more than 100,000, and the last four seats could be open. Mr. Bourey stated that the West Valley expressed interest in having four or five seats from the East Valley and four or five seats from the West Valley jurisdictions, with weighted voting at the Regional Council level.

Mr. Bourey then reviewed two options for the structure of an expanded Executive Committee. Under the first option, the Executive Committee would consist of 11 members, with seats for Phoenix, ADOT and Maricopa County. The remaining eight seats would be elected at-large, balanced geographically and by size of the city. All votes at the Regional Council level would be based upon weighted voting, with population being the only component of the vote.

The second option described by Mr. Bourey was for an 11 member Executive Committee with Phoenix, ADOT and Maricopa County having seats, with the other eight members elected at-large, balanced geographically and by size of the city. The difference from the first option would be in the voting mechanism. In option number two, each Executive Committee member would receive one vote. In addition, each Executive Committee member would receive one additional vote for each increment of 100,000 population in their city or

unincorporated area. Another component of option number two would be that each Executive Committee member would get additional votes for representing non-Executive Committee members, if that member gave them their proxy vote. This would require calculating the votes of all of the Regional Council members based on one vote per member agency, plus adding votes for each increment over 100,000 population. Mr. Bourey displayed a listing of the votes using this method.

Mr. Bourey then described an alternative using this type of voting system for the Regional Council meetings. In essence, each member agency would receive one vote, with ADOT receiving one vote for each ADOT Board member on the Regional Council. In addition, one vote would be added to each agency for every increment of 100,000 population. Chairman Rimsza gave an example by comparing Buckeye and Phoenix. He noted that instead of being 140 times more powerful in terms of voting, Phoenix is only 14 times more powerful. Mayor Tibshraeny asked how will votes be calculated each year. Mr. Bourey stated that MAG does population estimates each year which are approved by the Regional Council. He explained that weighted voting is now based on population only, and that this would be a trade off. He noted that not one region would control all the votes. The option broken down by large and small cities shows that the smaller cities will have more voting power than they do with the current weighted voting. Mr. Bourey stated that as it is now, the smaller cities only have about five percent voting power. Instead of five percent, this option provides the smaller cities 32 percent voting power. Mr. Bourey reminded the committee that this breakdown is for Regional Council voting.

Mayor Keegan discussed the concern of needing a quorum to conduct business at MAG. He indicated that a quorum requirement could be developed which defined a quorum as members present representing 50 percent of the population. Mr. Bourey explained that would go hand in hand with weighted voting. He noted that this is a compromise of every city having a vote. Mayor Hawker stated that this changes the dynamics of voting in Regional Council, and is in favor of this change. Chairman Rimsza stated that issues effect the region differently. Mayor Tibshraeny asked how cumbersome the recording process would be. Mr. Bourey explained that the recording process would be fairly simple. He also noted that the wording in the By-laws would remain stating that the committee would be “balanced geographically.”

Mayor Arnold introduced Mayor Giuliano’s suggestion about changing the nominating committee and its process. Chairman Rimsza stated that he does not believe that it is currently a closed process and that the nominating committee does work together with the Regional Council. He noted that he prefers the current process and the nominating committee creates a consensus. He believes that the end result would be the same. Mayor Arnold agreed that the Regional Council does have a say in the process of approval, but the nominating committee does the footwork.

Chairman Rimsza discussed that the main objective is the ½ cent sales tax. Convincing the legislature that we are striving to improve our process. Mayor Keegan suggested that each mayor talk to their legislature regarding the functional relationship of the Regional Council

and Executive Committee. Chairman Rimsza stated that the options presented seem like a solution and that it should be sent to the mayors and managers to see what they say. Mayor Arnold suggested that it be taken to the Regional Council to vote on. Chairman Rimsza agreed that it should be put on the next Regional Council agenda for discussion and possible action. Mayor Keegan stated that he has a problem with taking action on something that no one else has even seen yet. Mr. Bourey stated that Mayor Manross suggested that the committee also address the responsibilities of the expanded Executive Committee and the Regional Council, which will aid in making the decision of the committee's structure. He distributed an outline of the Executive Committee and Regional Council responsibilities.

Mayor Keegan moved that the Executive Committee recommend that the Regional Council consider a new voting method for the Regional Council and Management Committee, which provides each MAG member one vote, with additional votes provided for each increment of 100,000 in population, with the MAG population estimates used to calculate the votes. Also, an expansion of the expanded Executive Committee of 11 members. The Executive Committee also recommended changing the MAG quorum requirement to be those members representing over 50 percent of the population. Mayor Hawker seconded, and the motion was carried unanimously.

4. Legislative Update

Dennis Smith distributed a summary of bills that are of interest to MAG. Lindy Bauer highlighted the environmental bills. She noted that HB 2045 would exempt vehicles, which are twenty years and older, from emissions testing program. MAG should oppose this bill since it would negatively impact the Serious Area Carbon Monoxide plan. Ms. Bauer stated that it is anticipated that the bill will not be moving forward. She continued with HB 2501 which requires ADEQ to request an exemption for motorcycles and collectible vehicles from EPA for the vehicle emissions test. She noted that MAG is monitoring this bill. Ms. Bauer stated the HB 2560 is primarily a funding bill for various air quality programs. It includes grants to local governments for the purchase of particulate efficient street sweepers. She indicated that MAG will be monitoring this bill.

Ms. Bauer stated that HB 2585 authorizes the Arizona Department of Environmental Quality to participate in interstate regional haze programs authorized by the Clean Air Act and certain federal regulations; the director is to submit state implementation plan revisions related to the regional haze programs, including comprehensive emissions tracking strategies for clean air corridors. The bill requires the ADEQ to establish statewide inventories of current and annual mobile source emissions and to prepare projections for the year in which mobile source emissions will be the lowest in the state. If the ADEQ Director determines that mobile source emissions in any area of the state are contributing significantly, mobile source budgets and control measures would be established. Ms. Bauer indicated that she had been trying to fix the bill to include a role for MAG to enable this region to control its own destiny. There is more to this bill than there appears. The Western States Regional Air Partnership is involved in defining "significant" as applied to mobile sources.

Chairman Rimsza suggested that we oppose this bill. He noted that they will establish a standard so low that the region will always be in violation. Chairman Rimsza stated that we

need to look at the unintended consequences, such as continuous bad press. Ms. Bauer stated that the utility companies want this bill so they can trade emissions with other states. Arizona is trying to lead the way with this approach for developing a Regional Haze Plan, which is required by EPA. Norris Nordvold stated that he heard from a utility person that there is no need to worry about this bill. Chairman Rimsza suggested that MAG oppose this bill. Mayor Keegan agreed. Mr. Bourey stated that we will take this to the next Regional Council meeting.

Mr. Smith stated that MAG is monitoring HB 2628, and that there are cities on both sides of this bill. He noted that the Management Committee asked for this bill to be on the Building Codes meeting agenda as an action item. Chairman Rimsza asked if this was more of a League issue, a statewide issue. Mr. Nordvold stated that this was discussed at the Chamber and is an issue pushed by unions. The Executive Committee agreed to continue monitoring this bill.

Eric Anderson stated that HB 2299 is the ½ cent sales tax split 50 percent to freeways and 50 percent to transit. He noted that MAG has taken no position on this bill. Chairman Rimsza stated that we should support this bill. Mr. Smith recommended going to the Regional Council for a vote. Chairman Rimsza stated there could be flexibility in how the 50 percent is calculated, due to some facilities such as HOV lanes which could be counted as either a freeway or transit expenditure. Due to this, he recommended going forward to support this bill.

Mr. Anderson reviewed HB 2496 which established a nine member State Transportation Board, with three members from Maricopa County district, with members for the Maricopa region. He noted that the Pima County region would receive two board members and the four rural district would each have a member. Chairman Rimsza stated that he believes that we should support this bill. Mayor Hawker asked why Tucson receives two members. Chairman Rimsza explained that if we cannot get four members, then it is better that Tucson have two.

Chairman Rimsza excused himself from the meeting at 12:55 p.m.

Mr. Smith stated that HB 2660 is an outgrowth of Vision 21 Task Force. This bill shifts authority for planning and programming from Metropolitan Planning Organizations to the State Transportation Board. He noted that this bill has a top-down approach to regional planning. Mr. Smith noted that he and Mr. Anderson discussed the bill with John Carlson. Mr. Smith noted that one provision of the bill would take away Highway User Revenue Funds if certain data requirements are not met by cities and towns. He requested direction from the Executive Committee regarding our position on the bill and should we attempt to fix objectionable parts of the bill. Mayor Keegan stated that they would need more staff to implement the bill. Mr. Smith explained that one possibility being discussed to fund the bill would be to redirect the State Planning and Research funds, which are federal funds currently going to other needs. Mr. Smith then described the federal planning and programming provisions which require the plan and program to be developed by the Metropolitan Planning Organization in cooperation with ADOT and the Public Transit Authority. This approach results in one plan and program for this urban area which is subject to air quality conformity regulation. . Jim Huling asked if it was possible to make amendments to this bill. He noted that the Governor's Office sponsored this bill.

The Executive Committee recommended to oppose HB 2660. However, they requested that it be brought back to the Executive Committee if there were any significant changes.

Mr. Anderson discussed SB 1244 which increases the statutory cap on Highway User Revenue Fund (HURF) parity bonds issued by the State Transportation Board from \$1 billion to \$1.3 billion. He stated that this would mitigate making changes to ADOT's five year program. Mr. Nordvold suggested adding HB 2588 back to the list because it will cross with SB 1244.

Mr. Anderson reviewed other impacts to the transportation budget, such as ADOT revised HURF projections and transfers of funds to Department of Public Safety. He explained that if HB 2588 passes, ADOT's HURF bonding cap would be increased \$300 million, which would help ADOT mitigate impacts of funding reductions. Mr. Anderson stated that if the \$4.4 billion is restored by Congress, the reduction amounts on the table would be cut in half. Mr. Anderson reviewed the next steps that need to be taken. He noted that it would be a very aggressive schedule in order to complete all steps in time for action on the conformity analysis in April and final approval in July. Mr. Anderson added that one of the objectives is maintaining as much of the program as possible.

Mayor Tibshraeny made a motion to forward the list of legislation presented by staff with the actions recommended by the Executive Committee. Mayor Hawker seconded, and the motion carried unanimously.

5. Follow-up on the Evaluation of the Executive Director

Mr. Bourey stated that his annual evaluation was conducted at the January 30, 2002 Regional Council meeting. The Executive Committee requested that they have an opportunity to provide feedback and have additional discussion. Mayor Hawker stated that he would like to have a discussion with Mr. Bourey at his convenience. Mr. Bourey suggested meeting one-on-one with anyone who was interested. The Committee agreed.

There being no further business, the meeting was adjourned at 1:10 p.m.

Chairman

Secretary